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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Application Number: 09/583,519

Filing Date: May 31, 2000

Appellant(s): Daniel Otto Becker

MAILED

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Technology Center 2100

Eustace P. Isidore

<u>For Appellant</u>

Examiner's Answer

This is in response to the appeal brief filed 06/01/2004.

(1)   Real Party in Interest

A statement identifying the real party in interest is contained in the brief.

(2)   Related Appeals and Interferences

A statement identifying the related appeals and interferences, which will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal is contained in the brief.

(3)   Status of Claims

The statement of the status of the claims contained in the brief is correct.

(4)   Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5)   Summary of Invention

The summary of invention contained in the brief is correct.

(6)   Issues

The appellant's statement of the issues in the brief is correct.

(7)   Grouping of Claims

A statement that claims of the following groups of claims should stand or fall together is contained in the brief.

(8)   Claims Appealed

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9)   Prior Art of Record

The following is a listing of the prior art of record relied upon in the rejection of claims under appeal:

- Tyra et al. (US 6,442,565) issued on 08/27/2002.

(10)   Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

1.   Claims 1-5, 7, 9-10, 12-13, 15-20, 22 and 24 are presented for examination.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the
> United States before the invention thereof by the applicant for patent, or on an international application
> by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this
> title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3.   **Claims 1-5, 7, 9-10, 12-13, 15-20, 22 and 24 are rejected under 35**

U.S.C. 102(e) as being anticipated by Tyra et al. (US 6,442,565), herein after

referred as Tyra.

4.   As to claim 1, Tyra teaches a method and system for transmitting data content

and performing operations on the data content within a distributed (client/server)

computer network system, i.e., a messaging system, comprising:

client machines within the system transmit to a server a request with an explicit reference or a class name *(i.e., receiving a command name into a server via said messaging system)* for a particular operation, for example, a file request including an identifier for the file is received and a search is performed for the file by manipulating the identifier and comparing the manipulated identifier with available files, then a located file and associated changes are loaded and downloaded/transmitted the results such as the requested update stock quotes to the client based upon the determining and searching *(i.e., to initiate a particular one of multiple server functions identified by a executable having a name synonymous with said command name)* (Tyra, Abstract, Fig. 29 and corresponding text, C2: L59-67 and C17: L25-46);

utilizing said command name to automatically load a class file having a name including said command name *(i.e., using the explicit reference or class name received from the client request to find and load that particular class file)* (Tyra, C17: L25-46);

dynamically executing functions on said server associated with said class file *(i.e., server performing operations on the data in response to the request such as searching for the file by manipulating the received identifier, comparing the manipulated identifier with available files, locating, loading/executing and then transmitting the file and associated changes/results to the client)* (Tyra, Abstract, Fig. 29 and corresponding text, C2: L59-67 and C17: L25-46).

5.   As to claim 2, Tyra teaches the method of claim 1, further comprising:

comparing said command name to existing classes (Tyra, C17: L47-65);

when said command name does not match a name of an existing class, creating

a new instance of said class *(i.e., attempting to find the Service Object that maintains*

the Data Cell addressed by the Data Cell Address with the class name and an instance

ID (step 2404), if no such Service Object is found, one is created by finding a factory

object based on the class name (step 2406) or creating one (step 2408) if none is found

(step 2407)) (Tyra, Fig. 24 and corresponding text, C15: L44-65); and

executing said new instance of said class *(i.e., executing the service object to*

create/populate the Data Cell using function Content Factory() in step 2410 of Fig. 24)

(Tyra, C15: L44-65).

6.   As to claim 3, Tyra teaches the method of claim 1, further comprising:

deleting a current command at runtime (Tyra, C16: L33-45).

7.   As to claim 4, Tyra teaches the method of claim 1, further comprising:

adding a new command at runtime (Tyra, C15: L57-67 and C16: L1-16); and

when a class file is associated with said new command is available at a source

other than said server, which is accessible from said server, dynamically loading said

class file from said source *(i.e., server 2808 accesses software of file distribution*

associated/remote repositories 2810-2813 wherein repository 2810 includes java

archives JAR classes/files 2811-2812, and repository 2813 includes jar files 2814-2815)

and instantiating functions of said class file on said server (Tyra, Fig. 28 and

corresponding text, C17: L1-24).

8.   As to claim 5, Tyra teaches a method and system for transmitting data content and performing operations on the data content within a distributed *(client/server)* computer network system, i.e., a messaging system, comprising:

selecting a command desired to be executed at the network computer system connected to said computer system, wherein said network computer system comprises a set of class files that carry out specific function when initiated *(i.e., client creating a Data Cell Address "DCA" with the identifier including a class name and an instance ID, transmitting the DCA to server for a particular operation such as searching for the file by manipulating the identifier, comparing the manipulated identifier with available files, locating, loading and transmitting the file and associated changes to the client)* (Tyra, Abstract, Fig. 29 and corresponding text, C2: L59-67 and C17: L25-46); and

transmitting, within a message to the network system in which the selected command is to be executed, a command name for the selected command which matches a portion of a class filename for a class implementing the selected command, wherein said selected command triggers an activation and execution at said network system of functions associated with said class *(such as searching for the file using the received data/identifier from the request, comparing the file with a set of class files, locating, loading/executing and then transmitting the file and associated changes/results to the client)* (Tyra, C2: L59-67, C15: L44-65 and C17: L47-65);

comparing said command name to existing classes on said messaging system (Tyra, C17: L47-65);

when said command name does not match a name of an existing class, creating

a new instance of said class *(i.e., attempting to find the Service Object that maintains*

the Data Cell addressed by the Data Cell Address with the class name and an instance

ID (step 2404), if no such Service Object is found, one is created by finding a factory

object based on the class name (step 2406) or creating one (step 2408) if none is found

(step 2407)) (Tyra, Fig. 24 and corresponding text, C15: L44-65); and

executing said new instance of said class *(i.e., executing the service object to*

create/populate the Data Cell using Content Factory() in step 2410 of Fig. 24) (Tyra,

C15: L44-65).

9.   Claim 7 is corresponding method claims of claims 1-2; therefore, it is rejected

under the same rationale.

10.   Claims 9-10, 12, 22 and 24 are corresponding system claims and computer

program product claims of claims 3-5; therefore, they are rejected under the same

rationale.

11.   Claims 13, 15-16 and 17-20 are corresponding system claims and computer

program product claims of claims 1-4; therefore, they are rejected under the same

rationale.

(11) Response to Arguments

In the remarks, applicant argued in substance that

(A) Prior Art does not teach or suggest "dynamically executing functions on said server associated with said class file."

As to point **(A)**, before addressing the argument, Examiner submits that in computer programming, *"a function"* is defined as *"a software routing or procedure, which performs a special task or operation"*. Tyra teaches client machines within the network system transmit a request with an explicit reference or a class name *(i.e., an identifier or a class file)* to a server for a particular operation, for example, a request for updates to a particular information, such as an update for a particular stock price or a request for trading a particular stock with a specified price and volume (Tyra, C1: L19-28), and the server *executes functions on said server associated with said class file (i.e., associated with the received explicit reference or identifier)* such as retrieving the identifier from the request, manipulating the identifier and comparing the manipulated identifier with available class files to locate the class file, then *the located class file is loaded, executed, or implemented* to achieve the results *(i.e., executing a function to perform an update for a particular stock price)* which are then transmitted to the client (Tyra, C2: L61-67 and C17: L25-65). Hence, Prior Art does teach "dynamically executing functions on said server associated with said class file".

(B)   Applicant argued that *"Applicant's executing"* is different from functions, which are executed on server such as manipulating the identifier (class file name), comparing the manipulated class file name, locating the class file, loading/executing the class file to achieve the update/changes and transmitting the results to the client.

As to point (B), in response to applicant's argument that the reference fails to show some certain features of applicant's invention, it is noted that the features upon which applicant relies on *(such as **"Executing functions refers specially to executing the source code associated with the class file and NOT performing the server operations of locating and/or manipulating the class file."** of page 6, in the appeal brief)* are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

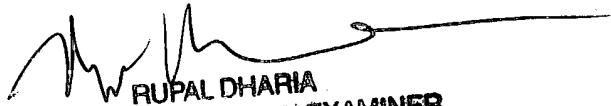For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

Quang N. Nguyen
August 20, 2004

Conferees

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